

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR SPECIAL COUNCIL MEETING
OF
WEDNESDAY, DECEMBER 12, 1990
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL
To Council Members Wolfsheimer, Roberts, Hartley, Pratt, Bernhardt,
Henderson, McCarty, and Filner, members of the City Council of the
City of San Diego, California:

A SPECIAL MEETING of the City Council is hereby called to be held in
the Council Chambers, 12th floor City Administration Building,
202 C St., San Diego, California, at the hour of 2:00 p.m. on
Wednesday, December 12, 1990.

Said meeting has been called for the purpose of action on City
Council items continued or trailed from the regular and supplemental
Council dockets of December 10, and 11, 1990.

Dated December 7, 1990 MAUREEN O'CONNOR, MAYOR
CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m. A
quorum was not present. A quorum was present at 2:08 p.m. with
Council Members Roberts, Pratt, Bernhardt, and Henderson not
present. Mayor O'Connor adjourned the meeting at 4:48 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present

- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-present

- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Fishkin (eb)

FILE LOCATION: MINUTES

Dec-12-1990

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

Dec-12-1990

ITEM-210: REFERRED TO CITY ATTORNEY

(Continued from the meetings of August 7, 1990, Item 331, September 18, 1990, Item 341, and October 16, 1990, Item 338, and October 29, 1990, Item 215; last continued at Councilmember Henderson's request, for review by the Community Planners Committee.)

A proposal for amendments to the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code, including: deletion of

certain exemptions and exclusions; changes to the regulations relating to biologically sensitive lands, hillsides and floodplains; changes to the findings and alternative compliance procedure; addition of a procedure to apply the ordinance to long range plans; and other amendments. The City Council will also consider the Resource Protection Ordinance Administrative Guidelines.

(City-wide.)

Subitem-A: (R-91-)

Adoption of a Resolution adopting the Resource Protection Ordinance Administrative Guidelines.
Subitem-B: (O-91-)

Introduction of an Ordinance amending Chapter X, Article 1, Division 4 of the Municipal Code.
NOTE: See Item 211 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A067-D316, D550-600.)

Hearing began 2:08 p.m.

Hearing halted 4:45 p.m.

The hearing was opened for testimony on the amendments proposed by Council Member Wolfsheimer.

Testimony in favor by Jim Bryant.

Testimony in opposition by Jim Whalen.

Mayor O'Connor left 2:10 p.m.

Testimony in favor by Dave Odell.

Council Members Roberts and Bernhardt entered 2:19 p.m.

Council Member Hartley left 2:20 p.m.

Council Member Henderson entered 2:21 p.m.

Testimony in opposition by Tom Sheffer and Lynne Heidel

Council Member Hartley entered 2:30 p.m.

Testimony in favor by Matt Peterson and Rebecca Michael.

Testimony in opposition by Jim Dawe, Linda Michael, and Jerry Bishopf.

Mayor O'Connor entered 2:43 p.m.

Motion by Wolfsheimer to approve the proposed amendments to the Resource Protection Ordinance. Second by Filner. By common consent the question was divided for the Council to vote on each amendment.

The vote on amending Paragraph A. PURPOSE AND INTENT by adding after the word "preserve," the clause "and where damaged, restore" and deleting "while maintaining a balance with other policies and objectives of the Progress Guide and General Plan" passed by the following vote: Yeas-1,2,3,5,8,M. Nays-6,7. Not present-4.

The vote on F. EXCLUSIONS, to delete the exclusion for Sorrento Hills, with direction to the City Attorney to opine on the legality, passed by the following vote: Yeas-1,3,5,8,M. Nays-2,6,7. Not present-4.

The vote on G.10. DEFINITIONS / HILLSIDES to amend to add "and a vertical height of 50 feet" and delete "as identified by the

Hillside Review Overlay Zone" passed by the following vote:

Yeas-1,2,3,5,7,8,M. Nay-6. Not present-4.

Council Member Wolfsheimer withdrew the proposed amendment for PARAGRAPH K.1

By common consent Wolfsheimer withdrew the amendment for Paragraph K.2 and the Planning Department and City Attorney were directed to provide a pipeline provision appropriate for the revised ordinance.

The vote on the amendment for Paragraphs K.6 and K.7 as amended to add that the exemption shall not apply to hillside homes on Mt. Soledad, passed by the following vote: Yeas-1,2,3,6,7,8,M. Not present-4,5.

Council Member Filner withdrew his second on the proposed amendment to Paragraph L. EXPEDITED PERMIT.

Motion by Wolfsheimer to amend the proposed amendment for Paragraph L. EXPEDITED PERMIT, to revert to the TLU recommendation by deleting the underlined clauses of the Planning Report draft, "or to comply with this section or other city ordinances," and "The City Council." Second by Filner. Passed by the following vote: Yeas-1,2,3,5,6,7,8,M. Not present-4.

The vote on the amendment for N. ALTERNATIVE COMPLIANCE to add in Paragraph 1.a the language "and not of the applicants making whereby the" before "strict" passed by the following vote: Yeas-1,2,3,5,6,7,8,M. Not present-4.

The vote on the amendment for N. ALTERNATIVE COMPLIANCE to delete Paragraph 2, regarding extraordinary benefit, passed by the following vote: Yeas-1,2,3,5,M. Nays-6,7,8. Not present-4.

The vote on the amendment for N. ALTERNATIVE COMPLIANCE, Paragraph 3c. failed by the following vote: Yeas-1,3,M. Nays-2,5,7,8. Not present-4,6.

The vote on the amendment to Paragraph 3.c with an additional amendment to read "and donation of that property in fee or easement as determined by the City." passed by the following vote: Yeas-1,2,3,5,6,7,8,M. Not present-4.

The vote on the amendment to Q. VIOLATIONS to add "Violators may also be subject to fines, penalties, and/or sanctions." passed by the following vote: Yeas-1,2,3,5,6,8. Nays-7,M. Not present-4.

Motion by Wolfsheimer to amend that encroachments were not to be permitted on land with 50% steep slopes. On steeper land the encroachment will be limited to 10% where there is no feasible alternative, plus an additional 10% encroachment that would be

permitted for essential public roads and facilities. Second by Hartley. No vote.

Substitute motion by Roberts to approve the staff recommendation regarding encroachments. Second by Henderson. Passed by the following vote: Yeas-2,5,6,7,8,M. Nays-1,3. Not present-4.

Motion by Roberts to include that all provisions of REPO should apply equally to public and private projects and that the technical committee report to Council in 6 months. Second by Henderson. Passed by the following vote: Yeas-1,2,3,5,6,7,8,M. Not present-4.

Motion by Roberts to direct Planning Department to create the technical advisory committee and report back to Council on the proposed nature of the people who will be serving on the committee. Second by Henderson. Passed by the following vote: Yeas-1,2,3,5,6,7,8,M. Not present-4.

Motion by Bernhardt to reconsider Council's vote on the exclusion of Sorrento Hills. Second by Roberts. Yeas-1,2,3,5,6,7,M. Nay-8. Not present-4.

Motion by Henderson to amend that Sorrento Hills be exempted. Second by Bernhardt. Passed by the following vote: Yeas-2,3,5,6,7. Nays-1,8,M. Not present-4.

Council Member Roberts left 4:35 p.m.

Council Member Henderson left 4:43 p.m.

MOTION BY FILNER TO DIRECT THE CITY ATTORNEY TO PREPARE THE LANGUAGE FOR THE PROPOSED ORDINANCE ACCORDING TO THE AMENDMENTS APPROVED BY COUNCIL AND BRING BACK TO COUNCIL. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-211: (O-90-209) REFERRED TO CITY ATTORNEY

(Continued from the meetings of July 10, 1990, Item 336, July 17, 1990, Item S405, July 31, 1990, Item 345, August 7, 1990, Item S502, September 18, 1990, Item 345, October 16, 1990, Item 340, and October 29, 1990, Item 217; last continued at Councilmember Bernhardt's request, for review by the Community Planners Committee.)

A proposal to amend the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code to delete the Black Mountain Road, and County Island Annexation areas from Paragraph E., Exclusions.

(District-5.)

Introduction of an Ordinance deleting the exclusions for Black Mountain Road Assessment District, and the County Island from the Resource Protection Ordinance, Section 101.0462, Paragraphs E4, 5 and 6 of the Municipal Code.

NOTE: See Item 210 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D614-620.)

MOTION BY FILNER TO REFER TO CITY ATTORNEY WITH ITEM-210.

Second by Bernhardt. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Mayor O'Connor regarding the stand of the McMillin Corporation on the developer agreement not to extend the deadline for Council vote past the January 8, 1991 date and requesting Attorney Dawe to respond to the City Attorney and the Mayor's Office to set the date for January 15, 1991.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D443-550.)

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:48 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D640).